

INTRODUCED BY SENATOR THOMPSON,
(By request)

JANUARY 29, 1915.

REFERRED TO COMMITTEE ON PUBLIC HEALTH AND QUARANTINE.

AN ACT

ACT. ENACTING AND REGULATING THE PRACTICE OF CHIROPRACTIC IN THE STATE OF CALIFORNIA; CREATING A STATE BOARD OF CHIROPRACTIC EXAMINERS; PROVIDING FOR THE APPOINTMENT OF THE SAME; DEFINING ITS POWERS, DUTIES AND EMOLUMENTS; TO PROVIDE A STANDARD OF EDUCATION FOR CHIROPRACTORS; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT; TO PROVIDE FOR THE EXAMINATION AND LICENSING OF CHIROPRACTORS IN THE STATE OF CALIFORNIA, AND TO REPEAL ANY OR ALL PARTS OF ANY ACT OR ACTS IN CONFLICT WITH THIS ACT.

The people of the State of California do enact as follows:

- 1 SECTION 1. A board is hereby created and established to
- 2 be known as the board of chiropractic examiners of the State
- 3 of California. Said board shall be composed of six per-
- 4 sons who are graduates of and hold diplomas issued to them
- 5 by a legally chartered school or college of chiropractic, which
- 6 said school or college shall have had, at the time of the issu-
- 7 ance of said diploma, a residence course of not less than ten
- 8 months, and each of said persons shall present to the governor
- 9 satisfactory evidence of good moral character and integrity,

1 months, and each of said persons shall present to the govern-
2 satisfactory evidence of good moral character and integrity
3 and shall have been a citizen of and practicing chiropractic
4 in the State of California for a period of not less than one
5 year next preceding the date of the going into effect of the
6 act; *provided, however*, that the requirement of the practice
7 of chiropractic in the State of California for a period of not
8 less than one year next preceding the going into effect of the
9 act shall apply only to those persons who shall be appointed
10 to membership on said board, on or before the first Tuesday
11 September, 1915. No person who holds a diploma issued
12 him by any school or college, which said school or college
13 teaches any science or profession which has particularly to
14 with the health of human beings, or who shall practice any
15 science or profession, which said science or profession shall
16 have particularly to do with the health of human beings other
17 than that specified and set forth in this section, shall be eli-
18 ble to appointment on said board; and appointments shall
19 so made that no more than two persons shall serve simultane-
20 ously as members of said board, whose first diplomas were
21 issued by the same school or college of chiropractic.

22 SEC. 2. The governor of the State of California shall,
23 on or before the first Tuesday in September, 1915, appoint
24 chiropractors who shall possess the qualities and qualifi-
25 cations as specified and set forth in section one of this act
26 to constitute the membership of said state board of chiropractic
27 examiners; tenure in office of said members shall be so
28 arranged as to time that two shall serve one year, two shall
29 serve two years and two shall serve the full term of four
30 years. Annually thereafter, or as there may be vacancies on
31 said board, the governor shall appoint members who shall be
32 selected from among those licensed under and by virtue of
33 this act, and who shall possess the qualities and qualifications
34 as specified and set forth in section one of this act. No person
35 in any manner owning any interest in any school, college or
36 institution engaged in chiropractic instruction shall be ap-
37 pointed to said board. The governor shall have the power

1 and upon the presentation of sufficient evidence to substan-
2 tiate the charges, shall remove any member of the board for
3 neglect of duty, incompetency, continued refusal or failure to
4 act in his official capacity on said board, or for unprofessional
5 conduct. Each appointee shall, before entering upon the
6 duties of his office, take the constitutional oath of office.

7 SEC. 3. Within thirty days after their appointment, and
8 annually thereafter, said board of examiners shall convene
9 and elect from its members a president, secretary and treas-
10 urer. Said board shall meet, for the examination of applicants
11 for license to practice chiropractic, on or before the first Tues-
12 day in April [of each year, in the city of Los Angeles and on
13 or before the first Tuesday in October of each year in the city
14 of San Francisco]; *provided, however*, that additional or
15 adjourned meetings may, at the discretion of the board, be held
16 at any county seat in the state. Notice of each regular or
17 special meeting shall be given twice each week for two weeks
18 next preceding each such meeting in one daily newspaper
19 published in the city of San Francisco, one published in
20 the city of Sacramento, one published in the city of Los
21 Angeles and one published in the city of San Diego, which
22 notices shall specify the time and place of meeting for the
23 examination of applicants. The board shall receive, through
24 its secretary, applications for license to practice chiropractic
25 to be issued as provided in this act; and shall, on or before
26 the first day of January of each year transmit to the gov-
27 ernor of the State of California, a full report of all its
28 proceedings, together with a report of its receipts and dis-
29 bursements for the year next preceding such report. The
30 board shall, on or before the first day of January of each year,
31 compile a complete directory giving the names and addresses
32 of all persons who hold unrevoked licenses to practice chiro-
33 practic in this state, said licenses having been issued under
34 and by virtue of this act. Said directory shall contain in addi-
35 tion to the names and addresses of said persons, the name or
36 symbol, or name and symbol, or names or symbols, or names
37 and symbols indicating the title or degree, or titles or degrees,

1 and the name or names of the school or schools, or college
2 colleges having conferred such degrees or titles upon each
3 said persons, and the date of issuance, by the board, of said
4 licenses. It shall be the duty of any person holding license
5 under this act, to report immediately each change of address
6 giving both the old and new address.

7 SEC. 4. The office of the board shall be in the city of Sacramento,
8 and in all legal proceedings against the board said city
9 shall be deemed the residence of the members thereof.

10 SEC. 5. The board shall adopt a seal, which shall be affixed
11 to all licenses issued by it, and may from time to time adopt
12 such rules as may be necessary to enable said board to carry
13 into effect the provisions of this act. It shall require an
14 affirmative vote of three members of said board to carry a
15 motion or resolution, to adopt any rule, to pass any measure
16 or to authorize the issuance of any certificate provided for
17 this act. The board shall issue a certificate to any applicant
18 who shall pass the examination required by the terms of this
19 act. Any member of the board may administer oaths in any
20 matter pertaining to the duties of the board, and the board
21 shall have authority to take evidence in any matter cognate
22 by it. The board shall keep a record of all its proceedings,
23 part of which record shall consist of a register of all applications
24 for license to practice chiropractic, and the action of the
25 board upon each such application.

26 SEC. 6. The board is authorized to prosecute all persons
27 guilty of violation of this act, and shall have power to employ
28 legal counsel for such purposes, and shall employ such assistance
29 as it may deem necessary. The board shall fix the salary
30 of the secretary not to exceed the sum of twelve hundred
31 dollars per annum, and the sum to be paid to other members
32 of the board not to exceed ten dollars per diem for each
33 and every day of actual service in the discharge of the
34 duties of said board, and the board may at its discretion
35 to said sum actual necessary traveling expenses of members
36 and from the place of the meeting of the board.

37 SEC. 7. All fees collected on behalf of the state

1 chiropractic examiners of California, and the receipts of all
2 funds of every kind and nature shall be reported at the
3 beginning of each month for the month preceding to the state
4 controller, and at the same time the entire amount of such
5 collections shall be paid into the treasury of the state and shall
6 be credited to a fund to be known as the state board of chiropractic
7 examiners' contingent fund, which fund is hereby
8 created. Said contingent fund shall be for the use of the
9 state board of chiropractic examiners, and out of it shall be
10 paid all salaries and other expenses necessarily incurred in
11 carrying into effect the provisions of this act. An amount not
12 to exceed one thousand dollars may be drawn from the contingent
13 fund herein created, said amount to be used as a revolving
14 fund where cash advances are necessary. All expenditures
15 from said revolving fund shall be substantiated by
16 vouchers and itemized statements at the end of each fiscal
17 year or at any other time when demand therefor is made by
18 the board of control.

19 SEC. 8. Every applicant for a license to practice chiropractic
20 shall pay to the secretary of the board a fee of twenty-five
21 dollars, which shall be paid to the treasurer of the board
22 by the secretary thereof. In case the applicant's credentials
23 are insufficient, or in case he does not take the examination, the
24 sum of fifteen dollars shall be returned to said applicant.

25 SEC. 9. One form of certificate shall be issued by the board
26 of chiropractic examiners of the State of California, which
27 said certificate shall be designated "license to practice chiro-
28 practic," and shall authorize the holder thereof to practice
29 chiropractic in the State of California; provided, however,
30 that said certificate shall not authorize the holder thereof to
31 administer any drug or drugs, or what are known as medicinal
32 preparations, to, or in any manner penetrate or sever the
33 tissues of, human beings, or to practice obstetrics.

34 SEC. 10. Every applicant for license must file with the
35 board at least two weeks prior to the regular or special meet-
36 ing thereof, satisfactory evidence of good moral character, and
37 every applicant must show that he has attended two courses

1 of study, each such course to have been of not less than three
2 two weeks duration and not less than twelve hundred hours
3 for each of said courses, or a total time of not less than six
4 four weeks and twenty-four hundred hours; *provided*, how-
5 ever, that said courses shall not necessarily have been pursued
6 continuously or consecutively, but that ten months shall have
7 intervened between the beginning of any course and the begin-
8 ning of the preceding course. Every application shall be made
9 upon a form furnished by the board, which form shall contain
10 such information concerning the instruction and the preliminary
11 education of the applicant as this act provides; *provided, however*,
12 that nothing in this section shall be construed as to apply to applicants for examination as set forth in
13 section eighteen of this act. In addition to the requirements
14 hereinbefore provided, on or after the first day of January
15 1919, applicants for license under this act shall present to
16 said chiropractic examining board a diploma from a California
17 high school or other school in the State of California, requiring
18 a full four years' course of same grade, or other school course
19 where requiring and giving a full four years' standard school
20 course; *provided, however*, if such applicant be twenty years
21 or more of age, he may show to the satisfaction of the board
22 proof of preliminary education equivalent in the opinion of the
23 board to the foregoing requirements. Every applicant shall
24 make affidavit, stating that each and every statement made
25 and all entries made upon, the application presented to said
26 board, are correct and true.

27
28 SEC. 11. Applicants for certificates as issued under this act
29 except as hereinafter provided and set forth in section eighteen
30 of this act, shall file satisfactory evidence of having pursued
31 in a legally chartered school or college of chiropractic instruction
32 the course of instruction covered and included at the time of
33 his attendance in said school or college, the following minimum
34 requirements, to wit:

35	Group 1—700 hours:	
36	Anatomy -----	600 hours
37	Histology -----	100 hours

1	Group 2—450 hours:	
2	Physiology -----	350 hours
3	Toxicology -----	100 hours
4	Group 3—310 hours:	
5	Pathology -----	240 hours
6	Bacteriology -----	70 hours
7	Group 4—440 hours:	
8	Diagnosis -----	350 hours
9	Hygiene -----	90 hours
10	Group 5—500 hours:	
11	Theory -----	} 500 hours
12	Practice -----	
13	Technic -----	
14		
15	Total -----	2400 hours

16 In the course of study as herein outlined, the hours specified
17 shall be actual work in the classroom, laboratory, clinic or
18 hospital, and at least eighty per cent of actual attendance
19 shall be required; *provided, however*, that the hours herein
20 required in any one subject need not exceed seventy-five per
21 cent of the number specified, but that the total number of
22 hours in all subjects of each group shall not be less than the
23 total number specified for such group.

24 SEC. 12. Applicants for certificate of license, as provided
25 for in this act, except as is set forth in section eighteen hereof,
26 shall pass an examination in the following subjects, to wit:

- 27 1. Anatomy and histology.
- 28 2. Physiology and toxicology.
- 29 3. Pathology and bacteriology.
- 30 4. Diagnosis and hygiene.
- 31 5. Theory, practice and technic.

32 All examinations shall be practical in character and shall be
33 according to the teachings of chiropractic, and designed to
34 ascertain the fitness of the applicant to practice chiropractic;
35 and shall be conducted in the English language, and at least a
36 portion of the examination in each subject shall be in writing.
37 There shall be at least ten questions on each subject, the answers

1 to which shall be marked on a scale of zero to ten on each
2 question. Each applicant shall obtain no less than a general
3 average of seventy-five per cent, and not less than sixty
4 per cent on any two subjects; *provided*, that any applicant
5 shall be granted a credit of one per cent upon the general
6 average for each year of actual practice since graduation.
7 The examination papers shall form a part of the records of
8 the board and shall be kept on file by the secretary for a period
9 of one year after each examination. In said examination the
10 applicant shall be known and designated by number only,
11 said number to be assigned by the secretary of the board, and
12 the name attached to the number shall be kept secret until
13 after the board has finally voted upon the application. The
14 secretary of the board shall in no instance participate as an
15 examiner in any examination held by the board, nor vote upon
16 any application for a certificate of license. All questions on all
17 subjects in which examination is required under this act shall
18 be provided by the board upon the morning of the day upon
19 which examinations are given in said subjects; and when
20 shall be shown that the secretary or any member of the board
21 has in any manner given information, in advance of or during
22 examination, to any applicant, it shall be the duty of the
23 board to remove such person from the board of examiners
24 from the office of secretary.

25 SEC. 13. Said board shall revoke the certificate of license
26 issued under this act to any person guilty of unprofessional
27 conduct. Said board shall adopt rules of practice and pro-
28 cedure pursuant to and under and by virtue of the laws of the
29 State of California, by which any person charged with un-
30 professional conduct may be tried. In every instance when
31 a person is charged with unprofessional conduct, such person
32 before suspension or revocation of his license, shall be cited
33 to appear and be given an opportunity to defend himself, to
34 counsel or otherwise in said trial by said board. In the event
35 the certificate of license of any person is revoked or suspended,
36 the secretary shall enter upon the register the fact of
37 suspension or revocation, under the seal of the board,

1 county clerk of the county or counties in which the certificate
2 of the person whose certificate has been revoked is recorded at
3 the time of such revocation. The words "unprofessional con-
4 duct," as used in this act, are hereby declared to mean:

5 *First*—The procuring or aiding or abetting in the procuring
6 of a criminal abortion.

7 *Second*—The wilfully betraying of a professional secret.

8 *Third*—All advertising which is intended to or has a ten-
9 dency to deceive the public or impose upon credulous or igno-
10 rant persons and so be harmful or injurious to the public
11 morals or safety, or the advertising of a chiropractor that he
12 is practicing medicine, surgery, osteopathy or any other system
13 of mode of treating the sick or afflicted in the State of Califor-
14 nia, for which he does not at the time of so doing hold an unre-
15 voked certificate of license to practice such system or method
16 issued to him by a board, which said board has been legally
17 constituted and established by law in the State of California.

18 *Fourth*—All advertising of any means whereby the monthly
19 periods of women can be regulated or the menses reestablished
20 if suppressed.

21 *Fifth*—Conviction of any offense involving moral turpitude,
22 in which case the record of such conviction shall be prima facie
23 evidence.

24 *Sixth*—Habitual intemperance.

25 *Seventh*—The personation of another licensed chiropractor.

26 *Eighth*—The use, by the holder of a license issued under this
27 act, in any sign or advertisement in connection with his prac-
28 tice, of any fictitious name.

29 *Ninth*—The use by a holder of a license to practice chiro-
30 practic of any drug or what is known as a medicinal prepara-
31 tion in or upon the body of human beings, or the puncturing or
32 severing of the tissues of the body or bodies of human beings.

33 *Tenth*—Advertising, directly, indirectly or in substance,
34 upon any card, sign, newspaper advertisement, or other written
35 or printed sign or advertisement, that the holder of such cer-
36 tificate or any other person, company, or association by which
37 he is employed, or in whose service he is, will treat, cure, or

1 attempt to treat or cure any venereal disease, or will treat
2 cure, or attempt to treat or cure any person afflicted with
3 any venereal disease, lost manhood, sexual weakness; or being
4 employed by, or being in the service of any person, company
5 or association so advertising.

6 *Eleventh*—The use by the holder of a license to practice
7 chiropractic, of the prefix Dr. or the letters M. D. or the word
8 "doctor of medicine" or the term "physician and surgeon"
9 or the term "surgeon" or the term "physician," or the term
10 "doctor" or the word "osteopath," or the letters "D.O.,"
11 any other letters, prefixes or suffixes the use of which would
12 indicate that he was practicing a profession for which he has
13 no license from the State of California.

14 *Twelfth*—The procuring of a certificate, as issued under
15 act, by fraud or misrepresentation.

16 SEC. 14. Every person holding a certificate of license author-
17 izing him to practice chiropractic as set forth in this act shall
18 file said certificate of license for record in the office of the
19 clerk of the county or counties in which the holder thereof
20 shall practice, and the fact of such recordation shall be re-
21 corded on said certificate by the clerk of the county or counties
22 in which said certificate of license is recorded. Any person
23 who shall practice chiropractic in any county within the State
24 of California without first having filed his certificate with the
25 county clerk or clerks of the county or counties in which he
26 person shall practice as provided herein shall be guilty of a
27 misdemeanor and shall be punished by a fine of not more than
28 one hundred dollars, or by imprisonment of not more than
29 sixty days or by both such fine and imprisonment.

30 SEC. 15. The clerk of the several counties shall keep a
31 book provided for the purpose a complete list of all certificates
32 of license as provided in this act, and the dates of filing of
33 certificates, and said record shall be open to the public for
34 inspection during office hours.

35 SEC. 16. Any person who shall practice, or attempt to
36 practice, or who shall advertise or hold himself out as practicing
37 chiropractic in the State of California without having

1 time of so doing a valid and unrevoked certificate as provided
2 in this act, or who shall in any sign or advertisement use the
3 letters "D.C.," or the words "doctor of chiropractic," or the
4 term "chiropractor," or any other letter or letters, or word
5 or words, or letters and words, or combination of letters or
6 words indicating thereby that he is practicing, or entitled to
7 practice chiropractic in the State of California, without having
8 at the time of so doing a valid and unrevoked certificate as
9 provided in this act, shall be guilty of a misdemeanor and upon
10 conviction thereof shall be punished by a fine of not more than
11 five hundred (\$500.00) dollars, or by imprisonment in the
12 county jail for a term of not more than one hundred and
13 eighty (180) days, or by both such fine and imprisonment.
14 Upon conviction of a person for violation of this act, the fine,
15 when collected, shall be paid to the state treasurer and a report
16 thereof made to the state controller.

17 SEC. 17. Nothing in this act shall be construed to prohibit
18 services in case of emergency, or the domestic administration
19 of chiropractic, nor shall this act apply to any chiropractor
20 from any other state or territory who is actually consulting
21 with a licensed chiropractor in this state; *provided*, that such
22 consulting chiropractor shall not open an office or appoint a
23 place to receive patients within the limits of this state.

24 SEC. 18. Any person of good moral character, who holds a
25 diploma issued to him by a legally chartered school or college
26 of chiropractic, and who shall have resided within the State of
27 California for a period of not less than one year next preced-
28 ing the date of the first meeting of the board of chiropractic
29 examiners of the State of California, and who shall make appli-
30 cation to said board within six months after the going into
31 effect of this act shall be given an oral, practical and clinical
32 examination, a part of which shall be demonstration in the art
33 of chiropractic adjusting; *provided, however*, that any person
34 of good moral character who shall have matriculated in any
35 school or college of chiropractic prior to the date of the pas-
36 sage and approval of this act, and who shall not graduate until
37 after the date of the going into effect of this act, shall upon

1 application as set forth herein be examined according to the
2 provisions of this section. If such applicant fail to pass said
3 oral, practical and clinical examination, or demonstration in
4 the art of chiropractic adjusting, and so desires, he may be
5 reexamined without additional expense at the first subsequent
6 meeting of the board, said reexamination or as much as possible
7 thereof, to be in writing. Any person of good moral character,
8 actor, who has represented himself to be, and has been actually
9 engaged in the practice of chiropractic in the State of California
10 for a period of not less than three years next preceding
11 the date of the going into effect of this act, shall be entitled to
12 and may take the examination as set forth in this section
13 *provided, however*, that he make application to the board for
14 examination within six months after the date of the going into
15 effect of this act, and in making such application shall have
16 set forth therein and given the following information, to wit:
17 The full name and address of the applicant, the length of time
18 and where he has been engaged in the practice of chiropractic
19 in this state, in what manner and from whom he received
20 instruction and training in chiropractic, and the nature and
21 character of any or all of the methods used by said applicant
22 in relation to the health of human beings.

23 SEC. 19. Any person who holds an unrevoked certificate
24 practice chiropractic, which said certificate was issued to
25 person by a chiropractic examining board, or by any other
26 board or officer authorized by law to issue a license entitled
27 the holder thereof to practice chiropractic in the District of
28 Columbia, or in any state or territory of the United States
29 with proof satisfactory to the board of chiropractic examiners
30 of the State of California that the copy of said certificate
31 presented to said board is a true and correct copy, shall upon
32 presentation of said certificate or a copy thereof, to the board
33 of chiropractic examiners of the State of California be entitled
34 to and shall receive a certificate of license to practice
35 practice in the State of California without examination
36 *provided, however*, that the requirements of the said chiropractic
37 examining board, or other board or officer of the state

1 issued said certificate were in no degree or particular less than
2 those which were required for the issuance of a license to
3 practice chiropractic in the State of California at the time of
4 the issuance of such certificate.

5 SEC. 20. Any or all parts of any act or acts in conflict with
6 this act are hereby repealed.